APPOINTMENT OF CONFEREES ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.


There was no objection.

CONGRESSIONAL RECORD—HOUSE
September 24, 2001

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.J. RES. 65, CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes; that the joint resolution be considered as read for amendment; the joint resolution shall be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on Appropriations; and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in H.J. Res. 65, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the order of the House of today, I call up the joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 65 is as follows:

H.J. Res. 65

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2002, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2001 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 2001 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(A) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002; and

(B) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-266), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1));

(C) the Energy and Water Development Appropriations Act, 2002; and

(D) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, notwithstanding section 10 of Public Law 95-472 (the State Department Basic Authorities Act of 1956); (E) the Department of the Interior and Related Agencies Appropriations Act, 2002; (F) the Legislative Branch Appropriations Act, 2002; (G) the Military Construction Appropriations Act, 2002; (H) the Department of Transportation and Related Agencies Appropriations Act, 2002; (I) the Treasury and General Government Appropriations Act, 2002; and (J) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002.

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House of Representatives and Senate as of October 1, 2001, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: Provided further, That whenever there is no amount made available under any of these appropriations Acts as passed by the House of Representatives and Senate as of October 1, 2001, for a continuing project or activity which was conducted in fiscal year 2001 and for which there is fiscal year 2002 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate, and for which appropriations, funds, or other authority was made available in the following appropriations Acts:

(1) the Department of Defense Appropriations Act, 2001, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)); and

(2) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001.


(4) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 2001 or prior years, for the increase in production rates above those sustained with fiscal year 2001 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, sub-project, activity, budget activity, program element, and subprogram within a program element and for investment items that are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram within an appropriation account, for which appropriations, funds, or other authority were not available during fiscal year 2001: Provided, That these appropriations or funds may be made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

Provided, That no appropriation or funds made available or authority granted pursuant to


(8) that whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House of Representatives and Senate as of October 1, 2001, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate:

Provided further, That whenever there is no amount made available under any of these appropriations Acts as passed by the House of Representatives and Senate as of October 1, 2001, for a continuing project or activity which was conducted in fiscal year 2001 and for which there is fiscal year 2002 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate, and for which appropriations, funds, or other authority was made available in the following appropriations Acts:

(9) the Department of Defense Appropriations Act, 2001, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)); and

(10) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001.


(12) No appropriation or funds made available or authority granted pursuant to


section 101 shall be used to initiate or re-
sume any project or activity for which ap-
propriations for such project or activity were not available during fiscal year 2001.

SEC. 105. No provision which is included in an appropriations Act listed in section 101(a) but which is deleted in the applicable appropriations Act for fiscal year 2001 and which by its terms is applicable to more than one appropriation, fund, or authority shall be used to make any appropriation, fund, or authority provided in this joint res-
olution.

SEC. 106. Appropriations made and author-
ity granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or au-
thority for such project or activity are avail-
able under this joint resolution.

SEC. 107. Unless otherwise provided for in
this joint resolution or in the applicable ap-
propriations Act, appropriations and funds
made available and authority granted pursu-
ant to this joint resolution shall be available until (a) enactment into law of an appro-
priations Act making the availability of any
appropriation, fund, or authority provided in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such pur-
pose, on or before (c) October 15, 2001, whichever first occurs.

SEC. 108. Expenditures made pursuant to
this joint resolution shall be charged to the
applicable appropriation, fund, or authoriza-
tion whenever a bill in which such applicable appropriation, fund, or authorization is con-
tained is enacted into law.

SEC. 109. No provision in any appropri-
aions Act for fiscal year 2002 listed in section
101(a) that makes the availability of any
appropriation, fund, or authority provided in this joint resolution contingent on the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 107(c) of this joint resolution.

SEC. 110. Appropriations and funds made
available by or authority granted pursuant to
this joint resolution may be used without regard to the provisions of any Act de-
pending upon or authorizing the ap-
propriation, fund, or authority provided in this joint resolution.

SEC. 111. This joint resolution shall be im-
plemented so that only the most limited funding action of that permitted in the joint
resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provi-
sion of this joint resolution, except section
107, for those programs that had high initial rates of operation or complete distribution of fiscal year 2001 appropriations at the be-
ginning of the fiscal year because of dis-
tributions of funding to States, foreign coun-
tries, grantees or others, similar distribu-
tions of funds for fiscal year 2002 shall not
make the appropriate grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 113. Activities authorized by section
1319 and 1336(a) of the National Flood Insur-
ance Act of 1968 (42 U.S.C. 4001 et seq.) may
continue through the date specified in section 107(c) of this joint resolution.

SEC. 114. Activities authorized by title V of
the Export-Import Bank Act of 1945 (12
U.S.C. 635f) and section 1(c) of Public Law
103–428, may continue through the date spec-
ified in section 107(c) of this joint resolution.

SEC. 115. Appropriations authorized by sub-
title (f) of section 403 of Public Law 103–
356 may continue through the date specified in section 107(c) of this joint resolution.

SEC. 116. Notwithstanding any other provi-
sion of this joint resolution, except section
107, the Library of Congress may temporarily transfer to the revolving fund under section 103 of Public Law 106–481 amounts to continue program operations at a rate not exceeding the rate under author-
ity applicable prior to October 1, 2001.

SEC. 117. Activities authorized by sub-
section (f) of section 502 of title II of the Trade Act of 1974 shall con-
tinue through the date specified in section
107(c) of this joint resolution.

SEC. 118. Appropriations authorized by sub-
title (f) of section 403 of Public Law 103–
356 may continue through the date specified in section 107(c) of this joint resolution.

SEC. 119. Of amounts provided by section
101 of this joint resolution, for projects and activities that would be funded under the head-
ing “International Organizations and Conferences, Contributions to International Organizations” in the Departments of Com-
merce, Justice, and State, the Judiciary, and Related Agencies Appropriations, 2001, $100,000,000 may be made available only pur-
suant to a certification by the Secretary of State that the United Nations has taken no
action after a calendar year to increase the
date of enactment of this Act to increase funding for any United Nations program without
identifying an offsetting decrease elsewhere in the United Nations budget and cause the
United Nations to exceed the budget for the biennium 2000–2001 of $2,035,700,000.

SEC. 120. Notwithstanding any other provi-
sion of this joint resolution
that H.R. 1088, the Investor and Capital Mar-
kets Fee Relief Act, or other legislation to
amend, delete, substitute, or otherwise modify any public law referred to in this joint resolution.

SEC. 121. Collection and use of maintenance fees as authorized by section 1(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i) and (k)) may continue through the date specified in section 107(c) of this joint resolution. Prohi-
bitions against collecting “other fees” as de-
scribed in section 4(i)(6) of the Federal Insect-
icide, Fungicide, and Rodenticide Act (7
U.S.C. §135a–1(i)(6)) shall continue in effect
through the date specified in section 107(c) of this joint resolution.

SEC. 122. Notwithstanding section 106 of
this joint resolution, funds made available in
Public Law 101–388 are not limited by the
terms and conditions of this joint resolution.

The SPEAKER pro tempore. Pursuant
to the order of the House of today, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolu-
tion.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolu-
tion.

The question was taken; and the
Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBIEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant
to clause 8, rule XX, further proceed-
ings on this question will be post-
poned.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, as the Speaker is well
aware, this weekend the distinguished gentleman from Florida.

As he has indicated, we are about to go

The SPEAKER pro tempore. Pursuant
to order the House of today, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

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to clause 8, rule XX, further proceed-
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poned.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I balance my time.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker. The motion that the House go to conference on those bills, but we
are not able to complete the con-
ferences on those and the other bills re-
main until the time of September, which is this weekend.

And so this is a continuing resolution
that would take the Government spending at the 2001 levels through Oc-
tober 16 of this year. We have the usual waivers that normally go with a CR.

We do not add anything new to this CR. It is noncontroversial. I urge the House to move the CR so that we can get it behind us and move on to the balance of our regular 2002 bills.

Mr. Speaker, I reserve the balance of my time.

Mr. OBIEY. Mr. Speaker, I yield my-
self such time as I may consume.

I rise in support of the continuing
resolution brought to the floor by the

distinguished gentleman from Florida.

As he has indicated, we are about to go
to conference on a wide variety of ap-
propriations bills. We expect to finish
most of those conferences in short order, but this resolution will allow us to do so in a more orderly fashion than was the case last year when we had a
series of 1- and 2-day CRs. I think under the circumstances it is the proper
thing to do.

Mr. Speaker, I yield back the balance of
my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as read for amendment.

Pursuant to the order of the House
of today, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolu-
tion.

The joint resolution was ordered to be engrossed and read a third time, and
was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolu-
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The question was taken; and the
Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBIEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant
to clause 8, rule XX, further proceed-
ings on this question will be post-
poned.

Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant
to clause 12 of rule I, the Chair de-
clares the House in recess until ap-
proximately 6 p.m.

Accordingly (at 5 o’clock and 39 min-
utes p.m.), the House stood in recess
until approximately 6 p.m.
AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 6 p.m.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 2589, MARKET-TO-MARKET EXTENSION ACT OF 2001

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 2589, as amended, to the end that the Chair put the question on the motion de novo.

The Speaker pro tempore. Is there objection to the request of thegentleman from Colorado?

There was no objection.

The Speaker pro tempore. The question is on the motion offered by thegentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 2589, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tem. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today, and the question on passage of House Joint Resolution 65.

Votes will be taken in the following order:

H.R. 717, by the yeas and nays, and H.J. Res. 65, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

The Speaker pro tem. The pending business is the question of suspending the rules and passing the bill, H.R. 717, as amended.

Mr. BLUMENAUER. Mr. Speaker, the motion before the House is the one that I offered earlier today to suspend the rules and pass the bill, H.R. 717, as amended.

The Speaker pro tempore. I recognize the gentleman from Idaho (Mr. TAUZIN) to offer a motion de novo.

Mr. TAUZIN. Mr. Speaker, I move to reconsider the vote on H.R. 717.

The Chair will put the question on passage to the end for any electronic vote after the first such vote in this series.

Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to reconsider the vote on H.R. 717.

The Speaker pro tempore. Pursuant to the provisions of rule XX, the Chair will now put the question on the motion to reconsider the vote on H.R. 717.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies."

A motion to reconsider was laid on the table.

Stated for:

Mr. WALDEN of Oregon. Mr. Speaker, on rollcall No. 349, due to weather-related problems, I missed the vote. Had I been present, I would have voted ‘‘yes.’’

Mr. MILLER-MCDONALD. Mr. Speaker, H.R. 717 was called when I was enroute from the Airport (Dulles) of which I was detained for 2 hours. Had I been present, I would have voted ‘‘yea.’’

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tem. Pursuant to the provisions of rule XX, the Chair will now put the question on the motion to reconsider the vote on H.R. 717.